

Notice of Allowability

Application No.

09/815,374

Applicant(s)

DAN ET AL.

Examiner

Art Unit

Mark Fadok

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/15/2005.
2. ☐ The allowed claim(s) is/are 23,24,47,48,71,72,95 and 96.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/2/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 9/15/2005, which was received 12/15/2005. The examiner has carefully considered the amendments provided by the applicant and has found them to be persuasive, therefore the following reasons for allowance are provided:

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bailey on 2/27/2006.

Claim 23

In line 4, after "of items in a" delete "set" and insert--meta-shopping cart--

In line 6, after "that" delete "that"

In line 6, after "that the" delete "set" and insert--meta-shopping cart--

In line 7, after "placed in the" delete "set" and insert--meta-shopping cart--

In line 9, after "items in the" insert--generated--

Claim 47

In line 2, after “generating” delete “an” and insert--a--

In line 5, after “of items in a” delete “set” and insert--meta-shopping cart--

In line 8, after “that” delete “that”

In line 8, after “that the” delete “set” and insert--meta-shopping cart--

In line 9, after “placed in the” delete “set” and insert--meta-shopping cart--

In line 10, after “items in the” insert--generated--

Claim 71

In line 9, after “of items in a” delete “set” and insert--meta-shopping cart--

In line 10, after “that” delete “that”

In line 10, after “that the” delete “set” and insert--meta-shopping cart--

In line 11, after “complete,” insert--the customized catalog containing items that the user has placed in the meta-shopping cart for possible future purchase by the entity represented by the user.--

In line 11, after “items in the” insert--generated--

Delete lines 13 and 14

Claim 95

In line 6, after “of items in a” delete “set” and insert--meta-shopping cart--

In line 9, after “that” delete “that”

In line 9, after “that the” delete “set” and insert--meta-shopping cart--

In line 11, after "items in the" insert--generated--

Allowable Subject Matter

Claims 23,24,47,48,71,72 and 95,96 are allowed.

The following is an examiner's statement of reasons for allowance of independent claims 23,47,71 and 95:

Regarding claim 23,47,71 and 95

The prior art of record neither anticipates nor fairly and reasonably teaches a method, system and article of manufacture for collecting meta-data in a shopping cart, placing the data into a customized catalog and negotiating with the customer from the customized catalog, the method system and article of manufacture comprising, *inter alia*, negotiating terms for purchasing items in the generated customized catalog.

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent Hare et al (6,850,900) discloses a method for entering negotiated prices into an electronic shopping cart. Hare, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(ii) JP 2000-113056A to Fujitsu Ltd teaches a method for negotiating prices and placing the negotiated prices in a catalog. Fujitsu Ltd however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Non-Patent Literature

(iii) Murphy teaches negotiating prices and terms up front and placing the negotiated prices in the customized catalog, however, Murphy fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(571) 273-8300 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

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A handwritten signature in black ink, appearing to read 'Mark Fadok', followed by a long horizontal line.

Mark Fadok

Primary Examiner